

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARVIN POWELL,
Plaintiff,

CIVIL ACTION

v.

SAINT JOSEPH'S UNIVERSITY,
WILLIAM BORDAK,
LAURA EGAN, and
ANDREW SHAPREN,
Defendants.

NO. 17-4438

ORDER

AND NOW, this 16th day of February, 2018, upon consideration of defendants Saint Joseph's University ("University") and William Bordak's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 7, filed November 17, 2017), the University and Bordak's first Motion for Entry of Confidentiality and Seal Order (Document No. 4, filed October 5, 2017), the University and Bordak's second Motion for Entry of Confidentiality and Seal Order (Document No. 8, filed November 17, 2017), plaintiff Marvin Powell's Answer [*sic*] to Defendants Saint Joseph's University and William Bordak's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 9, filed December 1, 2017), and Reply of Defendants Saint Joseph's University and William Bordak in Support of Their Motion to Dismiss Plaintiff's Amended Complaint (Document No. 11, filed December 14, 2017), and the Court having noted that plaintiff has not filed briefing in opposition to either of defendants' Motions for Entry of Confidentiality and Seal Order and that those two Motions are identical in all material respects, for the reasons stated in the accompanying Memorandum dated February 16, 2018, **IT IS ORDERED** as follows:

1. The University and Bordak's first Motion for Entry of Confidentiality and Seal Order is **GRANTED**. Documents filed with the Court by any party to this action shall be **REDACTED** to remove all personally identifiable information pertaining to any nonparty student and any documents containing personally-identifiable information pertaining to nonparty University students filed with the Court in this litigation shall be filed **UNDER SEAL**, with a courtesy copy of any documents filed under seal provided to all other counsel and to the Court, with a clear header or footer on each page labeling the document as **CONFIDENTIAL**;
2. The University and Bordak's second Motion for Entry of Confidentiality and Seal Order is **DENIED** as **MOOT**.
3. That part of the University and Bordak's Motion to Dismiss seeking to dismiss Count I of the Amended Complaint against the University is **GRANTED IN PART** and those claims are **DISMISSED WITHOUT PREJUDICE**, except to the extent plaintiff avers in subparagraphs 49(a)-(b) and (e) of the Amended Complaint that the University failed to provide plaintiff an opportunity to respond to the charges against him under the University's Policy Prohibiting Harassment, Discrimination, and Retaliation, as to which the Motion is **DENIED**;
4. That part of the University and Bordak's Motion to Dismiss seeking to dismiss Count I of the Amended Complaint against Bordak is **GRANTED** and those claims are **DISMISSED WITHOUT PREJUDICE**;
5. That part of the University and Bordak's Motion to Dismiss seeking to dismiss Count II of the Amended Complaint against the University is **GRANTED** and those claims are **DISMISSED WITHOUT PREJUDICE**;

6. That part of the University and Bordak's Motion to Dismiss seeking to dismiss Count II of the Amended Complaint against Bordak is **GRANTED** and those claims are **DISMISSED WITH PREJUDICE**;
7. That part of the University and Bordak's Motion to Dismiss seeking to dismiss Count III of the Amended Complaint against the University and Bordak is **GRANTED** and those claims are **DISMISSED WITH PREJUDICE**;
8. That part of the University and Bordak's Motion to Dismiss seeking to dismiss Count IV of the Amended Complaint against the University and Bordak is **GRANTED** and those claims are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that plaintiff is granted leave to file a second amended complaint within twenty (20) days, if warranted by the facts and applicable law as set forth in the accompanying Memorandum dated February 16, 2018, and paragraphs (3)-(5) above.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.